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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,541	02/11/2002	Dan Salomonsson	216096US6PCT	7775
22850	7590	08/11/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			MCANULTY, TIMOTHY P	
			ART UNIT	PAPER NUMBER
			3682	

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/926,541

Applicant(s)

SALOMONSSON ET AL.

Examiner

Timothy P McNulty

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-18,20,21,23,25-29 and 31-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-18,20,21,23,25-29 and 31-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 15-17,20,21,23, and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0 489 966 A1.

EP 0 489 966 A1 discloses in figures 2,3, and 5 a manipulator comprising a device for fastening a cable set 11-16 in an opening (not numbered) within the manipulator, said device comprising a lid 9 and a holder 8. The manipulator inherently further comprises a control system. EP 0 489 966 A1 discloses the basic apparatus but does not disclose said lid having removable sections. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of EP 0 489 966 A1 to provide said lid having sections, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179 (PTO Bd. of INT. 1969). The sections of the modified lid are inherently removable.

Regarding claims 27 and 28, the holder is inherently detachably fixed to the opening.

3. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0 489 966 A1 in view of Bohler et al.

EP 0 489 966 A1 discloses the basic apparatus as previously cited but does not disclose said holder fixed with a hose clamp. However, Bohler et al. teaches in figure 3, a removable cover 14 fixed to an edge 22 of an opening by a locking clamp 16. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the

Art Unit: 3682

apparatus of EP 0 489 966 A1 in view of the teachings of Bohler et al. to include a locking clamp to fix the holder and lid to the manipulator so as to improve the connection therebetween and thus improve the resistance of contamination across the opening.

4. Claims 29,30, and 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0 489 966 A1 in view of Stolzman.

EP 0 489 966 A1 discloses the basic apparatus as previously cited but does not disclose said holder comprising a collar having a U-shaped cross section. However, Stolzman teaches in The Figure a closure mechanism for covering an opening; said closure comprising a collar having a U-shaped cross section. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of EP 0 489 966 A1 in view of the teachings of Stolzman to provide said holder having a U-shaped collar to provide a pair of spaced legs so as to clamp the edge of the opening and sealingly connect the holder and the opening.

5. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0 489 966 A1 in view of Stolzman as applied to claims 29,30, and 32-35 above and further in view of Bohler et al.

EP 0 489 966 A1 in view of Stolzman discloses the basic apparatus as previously cited but does not disclose said holder fixed with a hose clamp. However, Bohler et al. teaches in figure 3, a removable cover 14 fixed to an edge 22 of an opening by a locking clamp 16. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of EP 0 489 966 A1 in view of the teachings of Bohler et al. to include a locking clamp to fix the holder and lid to the manipulator so as to improve the connection therebetween and thus improve the resistance of contamination across the opening.

Response to Arguments

6. Applicant's arguments filed 09 October 2003 have been fully considered but they are not persuasive. The holder of EP 0 489 966 A1 is inherently detachably fixed to an edge of the opening; any one element regardless of how it is attached to another element is inherently detachable therefrom. Also, it would be obvious to one of ordinary skill in the art to make a previously integral element from a plurality of elements; and after such a modification, the plurality of elements themselves would be inherently detachable or removable (as presently claimed). Additionally, the term "pipe socket" is construed to be an end opening of a tube element. As such, the opening of EP 0 489 966 A1 on which the holder is mounted is clearly a "pipe socket."

The examiner recognizes that references cannot be arbitrarily modified and that there must be some reason why one skilled in the art would be motivated to make the proposed combination. *In re Nomiya*, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. *In re Simon*, 174 USPQ (CCPA 1972); *In re McLaughlin*, 170 USPQ 209 (CCPA 1971). References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. *In re Bozek*, 163 USPQ 545 (CCPA 1969). As such the modifications to the holder of EP 0 489 966 A1 are applicable and within the level of one of ordinary skill in the art.

The teachings of Stolzman are broadly interpreted to teach the use of a U-shaped collar to mount a member on an edge of an opening. The teachings of Stolzman are not narrowly construed to only teach the use of a U-shaped collar to mount a closure member not having any openings therein on an opening. The teachings of Stolzman adequately teach the concept of using a U-shaped collar to mount a holder on an opening so as to clamp the edge of the opening and

Art Unit: 3682

sealingly connect the holder and the opening. Furthermore, the holder of EP 0 489 966 A1 does not need to be modified to have a cable set extend therethrough; i.e., the holder of EP 0 489 966 A1 is only modified to include the U-shaped collar to improve its attachability to the opening.

Conclusion

7. This is a request for continued examination of applicant's earlier Application No. 09/926,541. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy P McAnulty whose telephone number is 703.308.8684. The examiner can normally be reached on Monday-Friday (7:30-5:00).

Art Unit: 3682

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on 703.308.3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tpm 


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